

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Application 19980)
of Robert W. and Ann C. Birge,)
Owen and Babette C. Chamberlain,)
L. H. and Irene Chamberlain, and)
Marion M. Scott to Appropriate from)
an Unnamed Spring in Placer County)

Decision D 1080

ADOPTED APR 11 '62

DECISION APPROVING APPLICATION

Robert W. and Ann C. Birge, Owen and Babette C. Chamberlain, L. H. and Irene Chamberlain, and Marion M. Scott having filed Application 19980 for a permit to appropriate unappropriated water; a protest having been received; the applicants and protestant having stipulated to proceedings in lieu of hearing as provided for by Title 23, California Administrative Code, Section 737; an investigation having been made by the State Water Rights Board pursuant to said stipulation and now being fully advised in the premises, the Board finds as follows:

1. Application 19980 is for a permit to appropriate 4,000 gallons per day by direct diversion from May 1 to November 1 of each year for domestic use from an unnamed spring in Placer County. The point of diversion is to be located in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 21, T16N, R16E, MDB&M.

2. Applicants' source of water is from a developed spring which does not contribute surface water to any flowing stream. Sufficient water is present in the named source to supply the domestic needs of the applicants during the spring and summer months. Water from the named source has been used for the purpose and to the extent proposed in the application continuously since about 1913. No additional use is contemplated by applicants. Any overflow from the applicants' use and seepage and return flow contribute to the Truckee River. Construction of the diversion works has been completed.

3. Protestant, Sierra Pacific Power Company, uses water for generating electric power at five plants on the Truckee River and irrigation use upon lands lying under and contiguous to the Highland Ditch in the State of Nevada.

4. There is unappropriated water available to supply the applicants, and subject to suitable conditions, such water may be diverted and used in the manner proposed without causing substantial injury to any lawful user of water.

5. The intended use is beneficial.

From the foregoing findings, the Board concludes that Application 19980 should be approved and that a permit should be issued to the applicants subject to the limitations and conditions set forth in the following Order.

The records, documents, and other data relied upon in determining the matter are: Application 19980 and all relevant information on file therewith, particularly the report of the

field investigation made November 8, 1961; the file of Permit 11845 (Application 17980); United States Geological Survey, Tahoe City quadrangle, 7.5 minute series, and Tahoe quadrangle, 15-minute series, dated 1955.

IT IS HEREBY ORDERED that Application 19980 be, and the same is, approved, and that a permit be issued to the applicants subject to vested rights and to the following limitations and conditions.

1. The amount of water to be appropriated shall be limited to the amount which can be beneficially used and shall not exceed 4,000 gallons per day by direct diversion to be diverted from about May 1 to about November 1 of each year.

2. The maximum amount herein stated may be reduced in the license if investigation warrants.

3. Complete application of the water to the proposed use shall be made on or before December 1, 1965.

4. Progress reports shall be filed promptly by permittees on forms which will be provided annually by the State Water Rights Board until license is issued.

5. All rights and privileges under this permit, including method of diversion, method of use, and quantity of water diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

6. Rights acquired under this permit shall be inclusive of, and not in addition to, such other rights, if any, as permittees may have to appropriate water from the same source for use on the place of use authorized by this permit.

7. Permittees shall allow representatives of the State Water Rights Board and other parties as may be authorized from time to time by said Board reasonable access to project works to determine compliance with the terms of this permit.

Adopted as the decision and order of the State Water Rights Board at a meeting duly called and held at Sacramento, California, on the _____ day of _____, 1962.

Kent Silverthorne, Chairman

Ralph J. McGill, Member

W. A. Alexander, Member